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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

Nov 18 3 21 PM '93

FCC 93M-713
40314

In re Applications of

SCRIPPS HOWARD BROADCASTING COMPANY

For Renewal of License of Station WMAR-TV
Baltimore, Maryland

and

FOUR JACKS BROADCASTING, INC.

For a Construction Permit for a New
Television Facility on Channel 2
at Baltimore, Maryland

MM DOCKET NO. 93-94 ✓

File No. BRCT-910603KX

File No. BPCT-910903KE

ORDER

Issued: November 17, 1993

Released: November 18, 1993

This order will prescribe bench rulings made at the close of hearing on November 16, 1993, and will prescribe related posthearing procedures.

Procedural Dates

Corrections to transcript	December 17, 1993
Record closed	December 20, 1993
Proposed Findings of Fact and Conclusions of Law	January 14, 1994
Reply Proposed Findings of Fact and Conclusions of Law	January 31, 1994

Special Instructions

All proposed findings and replies must be delivered by hand, except the Bureau's pleadings which shall be made available for pick up at the Bureau's offices on the date of service.

There is no requirement for a summary or a table of cases. However, a table of contents is required.

The parties should submit a Joint Motion or Stipulation on errors that are found in the transcript. Corrections will be proposed in two categories: (i) spelling and typographical; and (ii) contextual errors which alter the

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meaning of a phrase or a sentence. The original text and the proposed change must be juxtaposed for comparison. If there can be no stipulation the parties may proceed by separate motion which must be filed and submitted by **December 13, 1993**. Service must be by hand delivery. Any Opposition must be filed and submitted within two business days.

There are thirty two unsolicited letters from members of the public that were sponsored by Scripps Howard and that were received in evidence as Attachment R to Scripps Howard Exh.3. Only those portions of the letters will be considered which address or relate to WMAR-TV's non-entertainment programming that was aired while the station was under the control of Scripps Howard. Also, the letter must have been sent and bear a date within the renewal period (May 30, 1991 through September 3, 1991). Scripps Howard shall include in its Proposed Findings as a separate section, paragraph or appendix, a chart-form exposition of the Attachment R letters reflecting date, name of sender, and reference to the relevant language in the letter utilizing direct quotes where practicable.¹ In addition, each letter should be the subject of a separate paragraph for further explication and analysis.

When Four Jacks first addresses the testimony of the three Jacks' principals relating to broadcast experience in its Proposed Findings of Fact and Conclusion of Law, there must be a specific disavowal made of any credit for civic activity.

The subject of the bench ruling granting Scripps Howard's motion for a ruling that the "Today" show qualifies as news programming may be raised anew or referred to in proposed findings and conclusions and in reply findings and conclusions.² But the denial of Scripps Howard's motion to strike testimony of Four Jacks' broadcast experience may only be referred to and may not be argued anew.³

Except for corrections to the transcript, the record was closed on-the-record at the conclusion of the testimonial hearings on November 16, 1993. The Presiding Judge will entertain motions to reopen the record up until the issuance of his Initial Decision but only with respect to changes to Form S-1

¹ This requirement for a chart presentation of the Attachment R letters is mandatory only for Scripps Howard as the proponent of the evidence and the party with the burdens of proceeding and proof on renewal expectancy. Also, the chart format is required only in Scripps Howard's Proposed Findings of Fact and Conclusions of Law. It is not required to be repeated in subsequent pleadings. But it may be referred to and incorporated by reference in any Reply.

² The ruling was made orally on-the-record in the interest of time and in order to limit the scope of the evidence at the hearing. However, the legal issue is dispositive of relevant evidence on renewal which may be substantial and under the APA a written analysis of and reasons for the ruling should be made in the Initial Decision.

³ See Order FCC 93M-715 issued November 17, 1993.

filings of Sinclair Broadcast Group, Inc. at the Securities & Exchange Commission and only with respect to matters in those disclosure documents that are asserted to be substantial matters and which relate to the Four Jacks integration issue.

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in dark ink, appearing to read "Richard L. Sippel", is written over the printed name.

Richard L. Sippel
Administrative Law Judge